

CAUSE NO. CC-21-03513-B

KOREN DAFFIN	§	IN THE COUNTY COURT
Plaintiff	§	
	§	
	§	
v.	§	AT LAW NO. 2
	§	
	§	
FIESTA MART, LLC	§	DALLAS COUNTY, TEXAS
Defendant	§	

DEFENDANT'S ORIGINAL ANSWER AND REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant FIESTA MART, LLC, files this its Original Answer and Request for Disclosure, and for same would respectfully show unto the Court as follows:

I. GENERAL DENIAL

1.01 Defendant hereby exercises its right under the law wherein it may file a general denial and require the Plaintiff to prove her causes of action by a preponderance of the evidence. Defendant, therefore, denies each and every, all and singular, the allegations contained in Plaintiff's Petition for the sole purpose of requiring the Plaintiff to prove her causes of action.

II. JURY DEMAND

2.01 In accordance with Rule 216 of the Texas Rules of Civil Procedure, Defendant demands a trial by jury. A jury fee is being paid on behalf of this Defendant with the filing of this Answer.

III. AFFIRMATIVE DEFENSES & OTHER DEFENSES

3.01 Defendant hereby affirmatively invokes the provisions of Chapters 32 and 33 of the Texas Civil Practice and Remedies Code with respect to a determination of comparative responsibility or contribution from any party, third-party defendant or settling person, and claims the right to make such election of credit for settlements as is permitted by statute.

3.02 Defendant affirmatively pleads that the Plaintiff's alleged injuries, if any, were proximately caused by an independent, intervening cause, for which the Defendant is neither liable nor responsible.

3.03 Defendant would show that the acts or omissions of Plaintiff were the direct and sole proximate cause, or a proximate cause, of her alleged injuries and damages, if any.

3.04 Pleading further, and in the alternative, Defendant would show that Plaintiff's damages, if any, were caused in whole or in part by the negligent acts, omissions, conditions, or tangible items over which Defendant had no control, and that those acts, omissions, conditions, or tangible items were the proximate, contributing, sole, new and independent, or subsequent intervening and superseding cause of Plaintiff's damages, if any.

3.05 Defendant affirmatively pleads that Plaintiff failed to mitigate her damages.

3.06 Defendant affirmatively pleads that Plaintiff's damages, if any, in whole or in part, were proximately caused by physical and/or mental conditions existing before and/or occurring subsequent to the occurrence in question and were not proximately caused by any alleged negligence on the part of Defendant.

3.07 Pleading further, and in the alternative, Defendant asserts that Plaintiff's recovery of medical or healthcare expenses incurred, if any, is limited to the amount actually paid or incurred by or on behalf of the Plaintiff as mandated by the Texas Civil Practice & Remedies Code §41.0105. 3.08 Pleading further, and in the alternative, Defendant asserts that no pre-judgment interest may be assessed or recovered on future damages under § 304.1045 of the Texas Finance Code.

IV. REQUEST FOR DISCLOSURE

4.01 Pursuant to Texas Rules of Civil Procedure 194(a), Plaintiff is required to disclose, within thirty (30) days of the filing of the first answer, the information and materials described in Rule 194.2(b) 1-12.

WHEREFORE, PREMISES CONSIDERED, Defendant FIESTA MART, LLC prays that the Plaintiff take nothing by this suit, that Defendant go hence with its costs without delay, and for such other and further relief, both general and special, at law and in equity, to which Defendant may show itself justly entitled.

Respectfully Submitted,

/s/ Jeff C. Wright

JEFF C. WRIGHT
SBN: 24008306
jwright@feesmith.com
FEE, SMITH, SHARP & VITULLO, L.L.P
Three Galleria Tower
13155 Noel Rd., Suite 1000
Dallas, TX 75240
(972) 934-9100
(972) 934-9200 – Fax

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that on this the 11th day of October, 2021, a true and correct copy of this Answer is being filed electronically and served on counsel of record.

William Walker
Walker Law Offices, P.A.
400 N. St. Paul, Suite 705
Dallas, TX 75201

/s/ Jeff C. Wright

JEFF C. WRIGHT

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Sandra Hinton on behalf of Jeff Wright
Bar No. 24008306
shinton@feesmith.com
Envelope ID: 58059049
Status as of 10/11/2021 2:47 PM CST

Associated Case Party: FIESTA MART, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Rita Ortiz		rortiz@feesmith.com	10/11/2021 11:44:39 AM	SENT
Jeff Wright		jwright@feesmith.com	10/11/2021 11:44:39 AM	SENT

Associated Case Party: KOREN DAFFIN

Name	BarNumber	Email	TimestampSubmitted	Status
William Walker		walker@walkerjustice.com	10/11/2021 11:44:39 AM	SENT